

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James L. Padgett, Jr.)	C/A No. 5:10-1713-DCN-KDW
)	
Plaintiff,)	
)	
vs.)	
)	REPORT AND RECOMMENDATION
Orangeburg County Sheriff's Dept;)	
Sheriff Leroy Ravenell; Lt. Stokes;)	
Director Willie Bamberg; Warden McKie;)	
Robert Peele; Don West, Owner-)	
Operator of West Towing Company;)	
Unknown Defendant, at Orangeburg)	
County Detention Center,)	
)	
Defendants.		

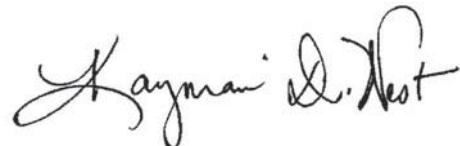
Plaintiff, proceeding pro se and *in forma pauperis*, brought this action against multiple defendants in July 2010, alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. ECF No. 1. In a March 27, 2012 Order, the court dismissed Plaintiff's claims against Defendants Warden McKie and Robert Peele with prejudice because Plaintiff failed to respond to their Motion for Summary Judgment or to the court's order entered pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response, ECF No. 53, or to the court's subsequent order requiring Plaintiff to advise whether he wished to continue with the case, ECF No. 57. *See* ECF No. 155 (among other rulings, dismissing Plaintiff's claims against Defendants McKie and Peele for failure to prosecute). In April 2012, Plaintiff dismissed Defendant West Towing, Inc. (improperly identified as "Don West, Owner/Operator West Towing Company"). ECF No. 158.

On May 23, 2012, a Motion for Summary Judgment was filed by the remaining Defendants: Willie Bamberg; Orangeburg County Sheriff's Dept.; Leroy Ravenell; Lt Stokes;

Unknown Defendant. (“Remaining Defendants”). ECF No. 165. As Plaintiff is proceeding pro se, the court again entered a *Roseboro* order, advising him of the importance of a motion for summary judgment and of the need for him to file an adequate response to the Motion for Summary Judgment filed by the Remaining Defendants. ECF No. 166. Plaintiff was specifically advised that if he failed to respond adequately, Defendants’ motion may be granted, thereby ending this case.

Plaintiff has filed no response. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, the undersigned recommends this action be dismissed with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO RECOMMENDED.



July 5, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge

**The parties are directed to note the important information in the attached
“Notice of Right to File Objections to Report and Recommendation.”**